

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

JING KE, derivatively on behalf of Presstek,
Inc.,

Plaintiff,

vs.

JOHN H. DREYER, JEFFREY JACOBSON,
DANIEL S. EBENSTEIN, LAWRENCE
HOWARD, STEVEN N. RAPPAPORT,
FRANK STEENBURGH, DONALD WAITE
III, MICHAEL D. MOFFITT, BRIAN F.
MULLANEY, EDWARD J. MARINO,
MOOSA E. MOOSA, and JEFFREY A.
COOK,

Defendants,

and

PRESSTEK, INC.,

Nominal
Defendant.

Civil Action No. 08-cv-364-JL

**PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF SETTLEMENT OF
DERIVATIVE ACTION AND FOR
APPROVAL OF AWARD OF
ATTORNEYS' FEES AND
REIMBURSEMENT OF LITIGATION
EXPENSES**

DATE: January 21, 2010

TIME: 11:00 a.m.

PLEASE TAKE NOTICE that on January 21, 2010, at 11:00 a.m. before the Honorable Joseph N. Laplante in the United States District Court for the District of New Hampshire, Plaintiff will move the Court for an Order granting final approval of settlement of the derivative action and Plaintiff also moves for an order awarding attorneys' fees and reimbursement of litigation expenses. Specifically, this Motion requests that the Court issue the following Order:

1. Granting Final Approval of the Settlement pursuant to Fed. R. Civ. P. 23.1;
2. Awarding Plaintiff's Counsel a total amount of \$150,000.00 as and for attorneys' fees and reimbursement of litigation expenses; and
3. Directing the Clerk of Court, pursuant to Fed. R. Civ. P. 54(b), to enter final judgment dismissing this action with prejudice, on the merits, and without taxation of costs in favor of or against any party.

This Motion is based upon the following documents:

- a. Declaration of Brian Long in Support of Proposed Settlement of Derivative Action and Award of Attorneys' Fees and Reimbursement of Litigation Expenses;
- b. Plaintiff's Memorandum of Law in Support of Motion to Final Approval of Settlement of Derivative Action and Award of Attorneys' Fees and Reimbursement of Litigation Expenses; and
- c. The arguments of counsel.

Dated: January 15, 2010

Respectfully submitted,

**BOUCHARD KLEINMAN
& WRIGHT, P.A.**

By: *s/Kenneth G. Bouchard*

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